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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,463	02/14/2005	Wilhelmus Christianus Maria Lohbeck	TS6300US	6338
7590		09/14/2007		
Del S Christensen Shell Oil Company Intellectual Property P O Box 2463 Houston, TX 77252-2463			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,463

Applicant(s)

LOHBECK, WILHELMUS  
CHRISTIANUS MARIA

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007 and 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, and 13-18 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohbeck (WO 99/56000).

Claims 1, 2, 4, 6, 7, 9, 11, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Endoh (063). The patent to Endoh discloses the recited expandable tubular element having a wall 1 including at least a portion formed of a plurality of stacked wall layers 11,1 each wall having a bent configuration in a cross sectional plane prior to radial expansion of the tubular element and being arranged to deform from a bent configuration to a more stretched configuration upon radial expansion of the tubular element, wherein the tubular element includes at least one cavity shown near 12 containing a body of fluid in the form of a bonding agent which is suitable to bond the adjacent wall layers to each other or to another tubular element, where the two walls can be seen to have different curvatures prior to radial expansion, the stacked layer wall exists over the entire circumference when fully expanded, the tubular element is one of a pair of tubes, where one tube is within the other, the tubular wall can be the wall of a tubular element 20 or borehole within the earth.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohbeck (WO 99/56000) in view of Gilleland (532). The patent to Lohbeck discloses all of the recited structure with the exception of providing the cavities with two bonding agents that react together. The patent to Gilleland discloses that it is old and well known in the art to provide repair sleeves with a plurality of cavities which break upon deployment of the sleeve causing either a single adhesive material, or in another embodiment, an adhesive and reacting agent are provided in separate cavities and upon breaking of the cavities the materials mix to form the adhesive to adhere the sleeve together. It would have been obvious to one skilled in the art to modify the single adhesive provided in the cavities of Lohbeck by providing an adhesive and reacting agent in separate cavities so that upon breaking of the two cavities the materials can mix together to form the adhesive as suggested by Gilleland where such is an equivalent manner to provide adhesive to rupturing cavities for installation of repair sleeves and such would allow for stronger adhesives to be provided such as epoxies to extend the life of the sleeve and its attachment to the pipe it is to repair.

***Response to Arguments***

Applicant's arguments filed March 14, 2007 and June 25, 2007 have been fully considered but they are not persuasive. With respect to the arguments directed at Lohbeck (WO 99/56000), such are not persuasive where Lohbeck teaches the recited plurality of stacked layers as curved walls extending from connection points 5 to form cells 6 which are filled with a bonding agent as per page 6, lines 7-18, where upon expansion the bent configuration of the curved walls extending from connection points 5 in opposite directions are stretched as seen in figure 1 as the expanded state of the sleeve 3 where the cells rupture and release liquid components which cure and harden as a cement which is a bonding agent to bond the sleeve to the wall 2 of the bore thereby meeting the recited claim language of claim 1. There are no arguments provided with respect to the limitations of the remaining claims, therefore such stand or fall with the merits of claim 1 which is met by the Lohbeck reference. The same is true of the Endoh (063) reference which discloses the recited structure where the cross section of both elements 1 and 11 are flat which is a bent configuration in a cross sectional plane where the cross section of the walls are bent to a folded or flat cross section and are expanded to a different expanded or stretched cross section having a circular cross section which is a change in shape from a bent cross section such as a flat cross section, and stretched to an expanded cross section meeting the claim language. The claims do not require or exclude a specific bent shape, therefore the bent to flat shape shown in Endoh meets the claim language. With respect to the rejection under 35 USC 103(a) there are no specific arguments offered to suggest the

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combination is no proper other than those arguments relied upon and directed toward the rejection under 35 USC 102(b), therefore, the combination of the references is considered appropriate in light of the arguments above, and further where the reference to Lohbeck discloses mixing of components which suggests a two part system is used even though such is not positively set forth in the specification. The examiner has no questions in regards to the application in regards to any issue.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

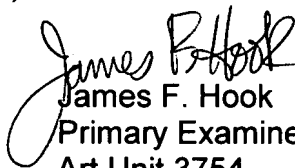
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH